

SEP 23 1999

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Schuler Ranch
34230 County Road 18
Woodland CA 95695

September 23, 1999

CALFED Bay Delta Program
Attn: Mr. Lester Snow
1416 Ninth Street, Suite 1155
Sacramento, CA 95814

Subject: Comments of the Draft Programmatic Environmental Impact
Statement/Environmental Impact Report (EIS/EIR for the CALFED Bay Delta Program)

Dear Mr. Snow,

Our Position on the CALFED Proposal:

The CALFED Bay-Delta Program must recognize existing agricultural surface and ground water rights and area of origin rights, as well as existing contractual obligations of the State and Federal Governments. New water demands (for urban growth and environmental uses) must look to newly developed water supplies. We strongly object to any effort to require agricultural water users to pay any additional costs to replace water taken for environmental uses through regulatory actions or for replacing water dedicated to environmental protection by legislative actions and the Bay-Delta Accord.

A primary benefit of the CALFED Program for agriculture is the development of an adequate, affordable and reliable water supply. Water reliability must be defined as the timely delivery of water to sustain crops. We do not accept the position of certain stakeholders that "less water delivered more often" is consistent with the CALFED solution principles.

We strongly asserts that additional water storage capacity must be part of CALFED's common programs rather than variable options.

Additional surface storage should be moved from variable options to the site of CALFED common programs. CALFED's storage proposals should directly address the effect of such storage options on water yield, power consumption versus power production, flood

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control benefits and opportunity for multiple benefits in the use of increased yield. CALFED should construct new surface storage in the Sacramento Valley, adjacent to the Delta and in the San Joaquin Valley. Groundwater management programs must be developed on the local level and supported by local affected groundwater users and communities; a "one-size-fits-all" approach will not work in all basins or sub-basins.

We oppose the widespread conversion of agricultural land and its associated water resources to other uses. While some locally driven, voluntary programs that address specific issues may have merit, widespread land retirement and/or conversion is unacceptable. Land retirement for demand reduction purposes was eliminated from further discussion at the end of Phase 1, and must remain "off the table."

What is the mitigation for the irreversible and irretrievable conversion of farmland? Is the mitigation to include impacts on local businesses, local state and federal governments and agencies?

CALFED should structure the Ecosystem Restoration Program to avoid, reduce or mitigate potential impacts to agricultural water and land resources. The program should develop an approach that emphasizes collaborative local projects with landowners. CALFED should assist local agencies in enhancing water quality through means other than land retirement. CALFED should also evaluate its common programs and give precedence to measures that maintain lands in private ownership and agricultural operations. In any event there should be no third party impacts.

It is understood that the CALFED Process is to go through three phases. The First Phase is essentially to identify what the problems are with possible solutions. The Second Phase is to develop an EIR and EIS to address the problems of Phase One. Phase Three is the implementation of the approved plans – thought to take 20 to 30 years given enough money and political will. How and why is it possible for State, Federal and Local agencies to acquire properties and implement the Restoration Coordination Program, spending \$228 million to supposedly mitigate problems identified in Phase I prior to completion of the EIS and EIR process (Phase 2)? Aren't we putting the cart before the horse? How and why is this process legally possible?

We believe that California's water storage and conveyance capacity must be enhanced before water transfers can play a meaningful role in resolving statewide water management issues. CALFED must recognize that water transfers do not create "new" water; rather, transfers simply move water from one beneficial use to another. We support the inclusion of voluntary transfers and exchangers as a component of an integrated and balanced CALFED package.

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The development of water markets should be left to stakeholders. CALFED's involvement in water transfers should be limited to construction of the necessary conveyance and storage facilities that will enable transfers to play a meaningful role in California's overall water management. CALFED should not adversely impact existing water rights or transfer programs, either directly or indirectly, through new regulations or controls.

We strongly assert that improved conveyance is essential to meet the CALFED water supply reliability, water quality, flood control and fishery objectives. We maintain that the minor improvements identified in Alternative 1 are inadequate to meet these objectives. Further refinement and optimization of Alternative 2 and 3 are necessary to determine if each can accomplish acceptable levels of improvement. We also believe that such improvements are only effective if linked with additional storage.

CALFED must perform additional analysis to address the relative weakness associated with Alternatives 2 and 3, and try to optimize each of these alternatives to determine if each can accomplish acceptable levels of improvement in all solution areas. This analysis must include development of operating criteria and assurances that provide fishery protection, and address water supply reliability, in-Delta and export water quality, earthquake risk and flood control.

We support revisions to the common programs in order to maintain land in private ownership and agricultural production. In addition, the common programs should provide incentives for landowners to participate in program objectives.

CALFED should revise its common program proposals to reduce, avoid or mitigate impacts on agricultural resources. Programmatically, CALFED should develop incentives for farmers, ranchers and other landowners to achieve CALFED objectives while maintaining the private ownership and economic productivity of agricultural land and water.

We support the continued voluntary implementation of efficient water management practices and opposes any mandatory requirements for agricultural water use efficiency.

CALFED should recognize California agriculture is already highly efficient in its use of water and that more efficient water application does not necessarily increase useable water supplies. CALFED should also delete references in its Water Use Efficiency Technical Appendix to water pricing and measurement, inconsistent with the AB 3616 MOU, as mandatory practices.

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Yolo County borders Putah Creek and has Cache Creek flowing through the county. Both streams are extensively managed, Cache Creek particularly, for the benefit of Yolo County agriculture. The Yolo County Farm bureau does not want CALFED to interfere with the current system of water and environmental management of either stream.

In conclusion, CALFED will fail if it doesn't live up to its underlying promise, that everyone gets better together. Perhaps, realistically speaking, it is better to say that everyone suffer together. This means that not only must environmental goals be met, but that the needs of California farmers, industries and urban residents must also be addressed all at the same time.

Thank you for the opportunity to provide these comments.

Sincerely,



Herb and Marlene Schuler
Schuler Ranch